



General Assembly

February Session, 2008

***Raised Bill No. 334***

LCO No. 1911

\*01911\_\_\_\_\_GAE\*

Referred to Committee on Government Administration and Elections

Introduced by:  
(GAE)

***AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE OFFICE OF STATE ETHICS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (l) of section 1-79 of the 2008 supplement to  
2 the general statutes is repealed and the following is substituted in lieu  
3 thereof (*Effective from passage*):

4 (l) "Quasi-public agency" means the Connecticut Development  
5 Authority, Connecticut Innovations, Incorporated, Connecticut Health  
6 and Education Facilities Authority, Connecticut Higher Education  
7 Supplemental Loan Authority, Connecticut Housing Finance  
8 Authority, [Connecticut Housing Authority] State Housing Authority,  
9 Connecticut Resources Recovery Authority, Lower Fairfield County  
10 Convention Center Authority, Capital City Economic Development  
11 Authority, Connecticut Transportation Strategy Board and Connecticut  
12 Lottery Corporation.

13 Sec. 2. Subsection (a) of section 1-81 of the general statutes is  
14 repealed and the following is substituted in lieu thereof (*Effective from*

15 *passage*):

16 (a) The board and general counsel and staff of the Office of State  
17 Ethics shall:

18 (1) Compile and maintain an index of all reports, advisory opinions,  
19 informal staff letters, memoranda issued in accordance with subsection  
20 (b) of section 1-82 and statements filed by and with the Office of State  
21 Ethics to facilitate public access to such reports and advisory opinions,  
22 informal staff letters, memoranda statements as provided by this part;

23 (2) Preserve advisory opinions and informal staff letters,  
24 permanently; preserve memoranda issued in accordance with  
25 subsection (b) of section 1-82 and statements and reports filed by and  
26 with the board for a period of five years from the date of receipt;

27 (3) Upon the concurring vote of a majority of the board present and  
28 voting, issue advisory opinions with regard to the requirements of this  
29 part, upon the request of any person subject to the provisions of this  
30 part, and publish such advisory opinions in the Connecticut Law  
31 Journal. Advisory opinions rendered by the board, until amended or  
32 revoked, shall be binding on the board and shall be deemed to be final  
33 decisions of the board for purposes of appeal to the superior court, in  
34 accordance with the provisions of section 4-175 or 4-183. Any advisory  
35 opinion concerning the person who requested the opinion and who  
36 acted in reliance thereon, in good faith, shall be binding upon the  
37 board, and it shall be an absolute defense in any criminal action  
38 brought under the provisions of this part, that the accused acted in  
39 reliance upon such advisory opinion;

40 (4) Respond to inquiries and provide advice regarding the code of  
41 ethics either verbally or through informal letters;

42 (5) Provide yearly training to all state employees regarding the code  
43 of ethics;

44 (6) Make legislative recommendations to the General Assembly and

45 report annually, prior to April fifteenth, to the Governor summarizing  
46 the activities of the [commission] Office of State Ethics;

47 (7) Meet not less than once per month with the office's executive  
48 director and ethics enforcement officer; and

49 (8) The [commission] Office of State Ethics may enter into such  
50 contractual agreements as may be necessary for the discharge of its  
51 duties, within the limits of its appropriated funds and in accordance  
52 with established procedures.

53 Sec. 3. Subsection (e) of section 1-82 of the general statutes is  
54 repealed and the following is substituted in lieu thereof (*Effective from*  
55 *passage*):

56 (e) No person shall take or threaten to take official action against an  
57 individual for such individual's disclosure of information to the board  
58 or the general counsel, ethics enforcement officer or staff of the Office  
59 of State Ethics under the provisions of this part or section 1-101nn of  
60 the 2008 supplement to the general statutes, as amended by this act.  
61 After receipt of information from an individual under the provisions of  
62 this part or section 1-101nn of the 2008 supplement to the general  
63 statutes, as amended by this act, the Office of State Ethics shall not  
64 disclose the identity of such individual without such individual's  
65 consent unless the Office of State Ethics determines that such  
66 disclosure is unavoidable during the course of an investigation. No  
67 person shall be subject to civil liability for any good faith disclosure  
68 that such person makes to the [commission] Office of State Ethics.

69 Sec. 4. Subsection (a) of section 1-83 of the 2008 supplement to the  
70 general statutes is repealed and the following is substituted in lieu  
71 thereof (*Effective from passage*):

72 (a) (1) All state-wide elected officers, members of the General  
73 Assembly, department heads and their deputies, members of the  
74 Gaming Policy Board, the executive director of the Division of Special

75 Revenue within the Department of Revenue Services, members or  
 76 directors of each quasi-public agency, members of the Investment  
 77 Advisory Council, members and employees of the State Contracting  
 78 Standards Board, agency procurement officers, members and  
 79 employees of the State Properties Review Board, nonclerical  
 80 employees in the unit of the Department of Public Works that is  
 81 responsible for acquiring, leasing and selling real property on behalf of  
 82 the state, state marshals and such members of the Executive  
 83 Department and such employees of quasi-public agencies as the  
 84 Governor shall require, shall file, under penalty of false statement, a  
 85 statement of financial interests for the preceding calendar year with the  
 86 Office of State Ethics on or before the May first next in any year in  
 87 which they hold such a position. Any such individual who leaves his  
 88 or her office or position shall file a statement of financial interests  
 89 covering that portion of the year during which such individual held  
 90 his or her office or position. The Office of State Ethics shall notify such  
 91 individuals of the requirements of this subsection not later than thirty  
 92 days after their departure from such office or position. Such  
 93 individuals shall file such statement within sixty days after receipt of  
 94 the notification.

95 (2) Each state agency, department, board and commission shall  
 96 develop and implement, in cooperation with the Office of State Ethics,  
 97 an ethics statement as it relates to the mission of the agency,  
 98 department, board or commission. The executive head of each such  
 99 agency, department, board or commission shall be directly responsible  
 100 for the development and enforcement of such ethics statement and  
 101 shall file a copy of such ethics statement with the Department of  
 102 Administrative Services and the Office of State Ethics.

103 Sec. 5. Subsection (d) of section 1-88 of the general statutes is  
 104 repealed and the following is substituted in lieu thereof (*Effective from*  
 105 *passage*):

106 (d) Any person who knowingly acts in such person's financial

107 interest in violation of section 1-84 of the 2008 supplement to the  
108 general statutes, 1-85, 1-86, [or] 1-86d or 1-101nn, as amended by this  
109 act, or any person who knowingly receives a financial advantage  
110 resulting from a violation of any of said sections shall be liable for  
111 damages in the amount of such advantage. If the board determines  
112 that any person may be so liable, it shall immediately inform the  
113 Attorney General of that possibility.

114 Sec. 6. Subsection (c) of section 1-100b of the general statutes is  
115 repealed and the following is substituted in lieu thereof (*Effective from*  
116 *passage*):

117 (c) The Office of State Ethics shall make any finding under  
118 subsection (a) or (b) of this section in accordance with the same  
119 procedure set forth in section 1-93 for a finding by the [commission]  
120 board of a violation of part II of chapter 10.

121 Sec. 7. Subsection (c) of section 1-101nn of the 2008 supplement to  
122 the general statutes is repealed and the following is substituted in lieu  
123 thereof (*Effective from passage*):

124 (c) Any person who [violates] is found in violation of any provision  
125 of this section by the Office of State Ethics pursuant to section 1-82, as  
126 amended by this act, may be deemed a nonresponsible bidder by a  
127 state agency, board, commission or institution or quasi-public agency.

128 Sec. 8. Subsection (a) of section 4b-4 of the general statutes is  
129 repealed and the following is substituted in lieu thereof (*Effective from*  
130 *passage*):

131 (a) No employee of the Properties Review Board shall hold another  
132 state or municipal position, nor shall any such employee or any  
133 nonclerical employee in the unit in the Department of Public Works  
134 which is responsible for acquiring, leasing and selling real property on  
135 behalf of the state, be directly involved in any enterprise which does  
136 business with the state or be directly or indirectly involved in any

137 enterprise concerned with real estate acquisition or development. Each  
 138 member and employee of the State Properties Review Board shall file,  
 139 with the board and with the Office of State Ethics, and each such  
 140 employee of the department shall file, with the department and with  
 141 the Office of State Ethics, a financial statement indicating all sources of  
 142 business income of such person in excess of one thousand dollars, and  
 143 the name of any business with which he is associated, which shall have  
 144 the same meaning as defined in section 1-79 of the 2008 supplement to  
 145 the general statutes, as amended by this act. Such statement shall be a  
 146 public record. Financial statements for the preceding calendar year  
 147 shall be filed with the [commission] Office of State Ethics on or before  
 148 April fifteenth of each year if the employee or member held such a  
 149 position during the preceding calendar year.

150       Sec. 9. Subsection (a) of section 4e-5 of the 2008 supplement to the  
 151 general statutes is repealed and the following is substituted in lieu  
 152 thereof (*Effective January 1, 2009*):

153       (a) (1) The head of each state contracting agency shall appoint an  
 154 agency procurement officer. Such officer shall serve as the liaison  
 155 between the agency and the Chief Procurement Officer on all matters  
 156 relating to the agency's procurement activity, including, but not  
 157 limited to, implementation and compliance with the provisions of  
 158 statutes and regulations concerning procurement and any policies or  
 159 regulations adopted by the board, coordination of the training and  
 160 education of agency procurement employees and any person serving  
 161 on the Contracting Standards Advisory Council;

162       (2) The agency procurement officer shall be responsible for assuring  
 163 that contractors are properly screened prior to the award of a contract,  
 164 evaluating contractor performance during and at the conclusion of a  
 165 contract, submitting written evaluations to a central data repository to  
 166 be designated by the board and creating a project management plan  
 167 for the agency with annual reports to the board pertaining to  
 168 procurement projects within the agency. The agency procurement

169 officer shall file a statement of financial interests, as described in  
 170 section 1-83 of the 2008 supplement to the general statutes, as amended  
 171 by this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	1-79(l)
Sec. 2	<i>from passage</i>	1-81(a)
Sec. 3	<i>from passage</i>	1-82(e)
Sec. 4	<i>from passage</i>	1-83(a)
Sec. 5	<i>from passage</i>	1-88(d)
Sec. 6	<i>from passage</i>	1-100b(c)
Sec. 7	<i>from passage</i>	1-101nn(c)
Sec. 8	<i>from passage</i>	4b-4(a)
Sec. 9	<i>January 1, 2009</i>	4e-5(a)

***Statement of Purpose:***

To implement certain substantive and technical recommendations of the Office of State Ethics.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*